

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.25 OF 1995

1. Salgaocar Engineers Pvt. Ltd.,
a Company incorporated under
the Companies Act 1956 and
having its office at Salgaocar
Chambers, Margao, Goa;

2. Mr. Devulaballi Bhagwan Swarup,
resident of Willy Apartment,
Margao, Goa

... PETITIONERS

VERSUS

The Board of Trustees of the
Port of Mormugao, a body
incorporated under the provisions
of the Major Port Trusts Act, 1963
and having their office at
Mormugao, Goa

... RESPONDENTS.

Mr. A.N.S. Nadkarni and Mr. M.S. Sonak, Advocates
for the Petitioners.

Mr. V.B. Nadkarni, Sr. Advocate, with Mr. Y.V.
Nadkarni, Advocate, for the Respondents.

CORAM : F.I. REBELLO &
P.V. HARDAS, JJ.

DATED : JUNE 3, 2003.

ORAL JUDGMENT (Per F.I. REBELLO, J.)

The Petition was directed against the levy
of the special charges while loading ore in the port
area into ocean going vessels by the Respondents
on account of the use of transhipper "M.V. Gosalia".
It was contended that Respondents had no jurisdiction
or authority in law to recover special charges.

2. The same issue was an issue before

another Division Bench of this Court in Writ Petition No.85 of 1996 which has been disposed of by a speaking Order of this Court dated July 24, 2002. The learned Division Bench relied on the Judgment of the Apex Court in Civil Appeal No.1472 of 1986 decided on September 11, 1996 which had negatived a similar contention.

3. Considering the view taken by the Division Bench of this Court relying on the Judgment of the Apex Court, we find no merit in this Petition. In the light thereof, the Rule is discharged. There shall be no order as to costs.

F.I. REBELLO, J.

P.V. HARDAS, J.

ac.